IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7667 OF 2006

Chittaranjan Ratikant Zankar ..Petitioner

V/s.

K.E.M.Hospital, Pune ..Respondent

Mr.A.Pratinidhi, advocate for petitioner

Coram : R.M.S.Khandeparkar, J.

Date : 27th November, 2006

P.C.

1. Heard.

2. The Industrial Court, having found the finding arrived at by the Labour Court to be contrary to the materials on record, on re-assessment of the evidence, has held that the documentary evidence placed on record clearly establishes that the petitioner was discharging the duties of sanctioning of leave, sanction of advances, receiving and passing of various bills, checking and certifying the postage register, entering into correspondence with various

organizations, sanctioning of cash vouchers etc. and therefore, was performing the duties of supervisory nature. Hence, the Industrial Court has held that the complaint filed by the petitioner was not maintainable, and therefore, has dismissed the complaint.

3. The learned advocate for the petitioner has sought to draw my attention to the decision of the Apex Court in **Anand Regional Co-op. Oil Seedgrowers Union Limited versus Shaileshkumar Harshadbhai Shah, reported in 2006(6) Supreme 455.** However, the said decision has no application.

4. In the facts and circumstances of the case, where the findings arrived at by the Labour Court were totally perverse and contrary to the materials on record, the decision by the Revisional Court is squarely in the tune with the decision of the Apex Court in **Heavy Engineering Corporation Limited v. Presiding Officer, Labour Court and Others, reported in (1996) 11 SCC 236**. In the circumstances, there is no case made out for interference in writ jurisdiction under Article 227

of the Constitution of India. Hence, the petition fails and is hereby rejected.

(**R.M.S.Khandeparkar, J.**)